



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,755	06/15/2001	Olivier Marce	Q64933	5934

23373 7590 06/17/2005

SUGHRUE MION, PLLC  
2100 PENNSYLVANIA AVENUE, N.W.  
SUITE 800  
WASHINGTON, DC 20037

EXAMINER
----------

FOX, BRYAN J

ART UNIT	PAPER NUMBER
----------	--------------

2686

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/880,755	Applicant(s) MARCE ET AL.	
	Examiner Bryan J Fox	Art Unit 2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2004.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 7-10 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Brohoff (US006108533A).

Regarding **claim 1**, Brohoff discloses a system for providing geographic information from a database within a radio telecommunications network where an MSC 18 includes a geographic database that may be searched and accessed by mobile station 19 in the cellular system (see column 4, lines 4-9 and figure 1), which reads on the claimed "method of accessing from a mobile telephone one of a set of services stored in a telecommunication network associated with said mobile telephone, comprising a step of determining said service by the geographical location of said mobile telephone and a service request including a short-code number supplied by a user to said mobile telephone." The mobile telephone inputs a search key as well, which reads on the claimed "short-code number". Each specific search key may be associated with a specific information element (see column 4, lines 40-60), which reads

on the claimed, "the short-code number identifies a single service in a given geographical area."

Regarding **claim 7**, Brohoff discloses a system for providing geographic information from a database within a radio telecommunications network where an MSC 18 includes a geographic database that may be searched and accessed by mobile station 19 in the cellular system (see column 4, lines 4-9 and figure 1), which reads on the claimed "means for implementing a method of accessing from a mobile telephone one of a set of services stored in a telecommunication network associated with said mobile telephone, comprising a step of determining said service by the geographical location of said mobile telephone and a service request including a short-code number supplied by a user to said mobile telephone." The mobile telephone inputs a search key as well, which reads on the claimed "short-code number". Each specific search key may be associated with a specific information element (see column 4, lines 40-60), which reads on the claimed, "the short-code number identifies a single service in a given geographical area."

Regarding **claims 2 and 8**, Brohoff discloses that the input to the geographic database typically includes two components: the geographic area from which the inquiry originates and a search key designating information a user desires to obtain from within the database (see column 4, lines 12-17), which reads on the claimed supplying of "said short-code number and information relating to said geographical location of said telephone". Since the database is not contacted directly from the mobile phone, but instead through the MSC connected to the base station associated with the phone (see

column 4, lines 1-9), this information must be supplied to the database by the base station, which reads on the claimed "control station to which said mobile telephone is connected", and the MSC associated with the database which the information is supplied to reads on the claimed "centralized manager associated with a central database".

Regarding claims **3 and 9**, Brohoff discloses that the geographic area from which the inquiry occurs could be the cell from which the service is invoked by a mobile station (see column 4, lines 17-19), which reads on the claimed "information relating to location is an identifier of said control station".

Regarding claims **4 and 10**, the database is associated with an MSC and as is well known in the art there are multiple MSC's in a mobile system, each associated with a certain geographic region, which reads on the claimed "said services are stored in a local database associated with said control station to which said mobile telephone is connected".

Regarding **claim 15**, Brohoff discloses that each specific search key may be associated with a specific information element (see column 4, lines 40-60). As can be seen from figure 1, in zone 52, for example, with the input of the specific search key "Burger Queen," a specific Burger Queen will be returned, which reads on the claimed, "at least one of said short-code numbers designates a single commercial establishment."

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 5, 6, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brohoff in view of Michaels et al. (US006011976A).

Regarding **claims 5 and 11**, Brohoff fails to teach that a short code is sent to the user in an SMS message.

In a similar field of endeavor, Michaels et al. discloses a wireless telecommunications system where informational messages can be sent to a user based on the users location, and the message includes a telephone number of an advertiser (see column 3, lines 6-9).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Brohoff with Michaels et al. to include the above sending of

telephone numbers to the user in order to allow a vendor to alert users of valuable information offered.

Regarding **claims 6 and 12**, Brohoff fails to teach the use of a profile so that only services matching the user are transmitted to the user.

In a similar field of endeavor, Michaels et al. discloses that the SIM card can be trained only to receive messages detailing services relevant to a subscriber's needs (see column 6, lines 34-36), which reads on the claimed invention that only transmits numbers corresponding to services matching a user profile.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Brohoff with Michaels et al. to include the above selective receiving of messages in order to prevent the user from receiving too many messages in which he has no interest.

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brohoff in view of Ilan et al (US 20030171096A1).

Regarding **claim 13**, Brohoff discloses a system for providing geographic information from a database within a radio telecommunications network where an MSC 18 includes a geographic database that may be searched and accessed by mobile station 19 in the cellular system (see column 4, lines 4-9 and figure 1), which reads on the claimed "method of accessing from a mobile telephone one of a set of services stored in a telecommunication network associated with said mobile telephone, comprising a step of determining said service by the geographical location of said

mobile telephone, comprising a step of determining said service by the geographical location of said mobile telephone and a service request including a short-code number supplied entered by a user of the mobile telephone.” The mobile telephone inputs a search key as well, which reads on the claimed “short-code number”. Each specific search key may be associated with a specific information element (see column 4, lines 40-60). Brohoff fails to disclose the short-code number is being supplied to the user from the business facility and identifies a single business facility.

In a similar field of endeavor, Ilan et al disclose information such as a coupon, can be transmitted to a user of a mobile device and the information could be a telephone number (see paragraphs 38-40). This information could be transmitted from a sign or billboard (see paragraph 80). When the sign is located at the facility, this reads on the claimed, “said short-code number being supplied to said user from the business facility.”

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Brohoff with Ilan et al to include the above transmitting from the billboard at the facility in order to allow a user maximum control over what information she receives.

Regarding **claim 14**, Brohoff discloses a system for providing geographic information from a database within a radio telecommunications network where an MSC 18 includes a geographic database that may be searched and accessed by mobile station 19 in the cellular system (see column 4, lines 4-9 and figure 1), which reads on the claimed “method of accessing from a mobile telephone one of a set of services



stored in a telecommunication network associated with said mobile telephone, comprising a step of determining said service by the geographical location of said mobile telephone, comprising a step of determining said service by the geographical location of said mobile telephone and a service request including a short-code number supplied entered by a user of the mobile telephone.” The mobile telephone inputs a search key as well, which reads on the claimed “short-code number”. Each specific search key may be associated with a specific information element (see column 4, lines 40-60). Brohoff fails to disclose the short-code number is being supplied to the user from the business facility and identifies a single business facility.

In a similar field of endeavor, Ilan et al disclose information such as a coupon, can be transmitted to a user of a mobile device and the information could be a telephone number (see paragraphs 38-40). This information could be transmitted from a sign or billboard (see paragraph 80). When the sign is located at the facility, this reads on the claimed, “said short-code number being supplied to said user from the business facility.”

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Brohoff with Ilan et al to include the above transmitting from the billboard at the facility in order to allow a user maximum control over what information she receives.

### ***Response to Arguments***

Applicant's arguments filed December 9, 2004 have been fully considered but they are not persuasive.

The applicant argues Brohoff fails to disclose a short-code number identifies a single service in a given geographical area. The examiner respectfully disagrees. Brohoff discloses that a specific search key may be associated with a specific information element (see column 4, lines 40-60).

The applicant makes similar arguments for the dependent claims, however, for the same reasons outlined above, the examiner respectfully disagrees.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan J Fox whose telephone number is (571) 272-7908. The examiner can normally be reached on Monday through Friday 9-5.

Art Unit: 2686

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bryan Fox  
June 2, 2005

*Marsha D Banks-Harold*

MARSHA D. BANKS-HAROLD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600